

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

KYLVOSKI SIMPSON,

Plaintiff,

v.

JESSE MARTINEZ, et al.,

Defendants.

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CIVIL ACTION NO.: 5:21-cv-30

ORDER

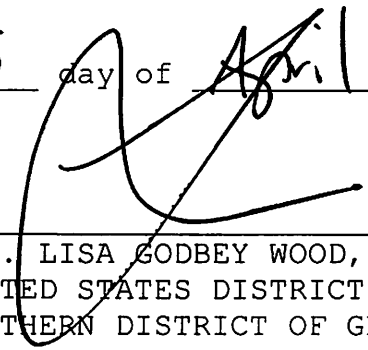
Before the Court are Plaintiff's Objections to the Magistrate Judge's Report and Recommendation dated March 29, 2022. Dkt. No. 20. In the Report, the Magistrate Judge recommended the dismissal of Plaintiff's Complaint in its entirety, as his claims were barred by the applicable statute of limitations. Dkt. No. 19 at 1, 3.

In his Objections, Plaintiff argues the statute of limitations for his claim should be tolled since the constitutional violation is so serious. Dkt. No. 20 at 2. He also argues his lack of legal education and lack of knowledge about statutes of limitations should be a basis for tolling. Id. Plaintiff's Objections are without merit.

As the Magistrate Judge explained in his Report, Georgia law provides tolling a limitations period only in limited circumstances. Dkt. No. 19 at 5. None of Plaintiff's explanations for his delay in filing his case fall under the statutory categories for tolling limitations periods. Additionally, the Magistrate Judge concluded, correctly, Georgia's non-statutory doctrine of equitable tolling only applies to class action lawsuits. Id. Plaintiff filed a 42 U.S.C. § 1983 claim, not a class action, so he has no basis for non-statutory tolling, either. Accordingly, Plaintiff's Objection is **OVERRULED**.

After an independent and de novo review of the entire record, the Court **CONCURS** with the Magistrate Judge's Report and Recommendation, **ADOPTS** the Report and Recommendation as the opinion of the Court, and **OVERRULES** Plaintiff's Objections. The Court **DISMISSES** Plaintiff's Complaint in its entirety, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Plaintiff *in forma pauperis* status on appeal.

SO ORDERED, this 25 day of April, 2022.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA